

## **ORDINANCE NO. 2013-046**

**AN ORDINANCE** of the City of Yakima renewing and extending moratorium regarding billboards and certain digital signs adopted April 2, 2013 pursuant to Ordinance No. 2013-13, for a period of six months, through midnight of April 1, 2014, adopting findings of fact in support of such renewal and extension and affirming moratorium through April 1, 2014.

**WHEREAS**, the City Council has previously adopted Ordinance No. 2013-13 on April 2, 2013 establishing a six-month moratorium on the filing and acceptance of applications for the installation, erection, construction, replacement, modification, or improvement of static billboards and digital billboards using changing electronic, digital, or changeable message copy, within the City of Yakima; directing development of comprehensive zoning and business regulations pertaining to such billboards and digital signs; and providing that the moratorium shall be in effect for six months, through October 1, 2013; and

**WHEREAS**, the City Council has received a recommendation from the Community Development Department to extend the moratorium through midnight of April 1, 2014; and

**WHEREAS**, RCW 35.63.200 and RCW 36.70A.390 provide that a moratorium, may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

**WHEREAS**, the City Council has scheduled and conducted a public hearing, pursuant to notice duly published, on October 1, 2013, to consider the request for renewal of such moratorium by extension through April 1, 2014; and

**WHEREAS**, the City Council, having received the recommendation of the Community Development Department, and having considered all comments and testimony presented at the public hearing, now makes the following findings of fact:

(a) Since the adoption of the moratorium on April 2, 2013, city staff has: reviewed laws, municipal codes of other cities and municipal corporations; has prepared reports of how other jurisdictions both regionally and across the nation have regulated billboards and digital signs; and has completed an inventory of existing billboards within the City of Yakima.

(b) While significant work has been accomplished to review and compile critical information on this topic, a significant portion of work remains to be done, including further study sessions with the Planning Commission, public hearings before the Planning Commission and public hearing before the City Council to consider the Planning Commission's recommendation for adoption of a comprehensive ordinance.

(d) Additional time is warranted per provisions of the Yakima City Charter Article VI, Section 2, that provide that an ordinance shall become effective thirty (30) days after adoption and publication, thereby compressing the time available for consideration and adoption of a new comprehensive code prior to the scheduled expiration of the current moratorium.

(e) City staff has presented a work plan supporting and justifying an extension of the moratorium, with a foreseeable likelihood that additional time may be necessary to accommodate sufficient review by interested parties, further review by the Planning Commission, and review and adoption by the City Council.

(f) The City Council finds and determines that an extension of the moratorium through midnight of April 1, 2014 is warranted and supported, and that such extension is in the best interests of residents of the City of Yakima and will promote the general safety and welfare.

(g) The City Council finds, determines and concludes that justification for extension of the moratorium exists, to wit: (a) the City has previously received proposals for installation of static and electronic billboards within the City; (b) neither City staff nor the Planning Commission have had sufficient opportunity to prepare and review a comprehensive code addressing the effects of static and electronic billboards with regard to concerns for economic development, preservation and/or promotion of traffic and pedestrian safety, prevention of visual clutter and public nuisances associated with inadequate code provisions and regulation of static and electronic billboards; (c) the requested extension of the moratorium will preserve the *status quo* to enable the City to further study the effects of such uses and to devise appropriate zoning and regulatory controls to address the effects of such uses; and

**WHEREAS**, the City Council, having adopted the above findings of fact, hereby makes the following conclusions:

(a) The City Council has jurisdiction to consider and decide all issues herein, including an extension of the moratorium, all pursuant to RCW 35.63.200 and RCW 36.70A.390.

(b) There being no objection to any Council member hearing and deciding such issues, any objection thereto is hereby deemed waived.

(c) The work performed to date has been necessary and appropriate to prepare a proposed comprehensive code pertaining to regulation of billboards and digital signs, but additional time is necessary and appropriate to accommodate further review and ultimate adoption.

(c) The moratorium adopted pursuant to Ordinance No 2013-13 should be renewed by extension through midnight of April 1, 2014. Such extension is

warranted and supported by the scope of work to be done, including accommodation of time necessary for review of the proposed code, submission of comments and proposed revisions, public hearings and final adoption; and

**WHEREAS**, the City Council finds and determines that the above findings and conclusions support the requested extension of the moratorium adopted pursuant to Ordinance No. 2013-13, and that such extension will promote the general safety and welfare; now, therefore

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** The moratorium adopted and imposed pursuant to Ordinance No. 2013-13, originally set to expire October 1, 2013, is hereby renewed to extend through midnight of April 1, 2014.

**Section 2.** The City Manager is hereby directed to continue to perform the duties imposed pursuant to Ordinance No. 2013-13.

**Section 3.** Except as amended, renewed and extended herein, the provisions of Ordinance No. 2013-13 shall remain in full force and effect according to its terms.

**Section 4.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 1<sup>st</sup> day of October, 2013.

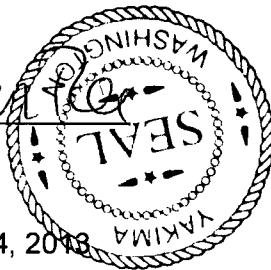


Micah Cawley, Mayor

ATTEST:



City Clerk



Publication Date: October 4, 2013

Effective Date: November 3, 2013